Harold Weisberg
Rt. 8, Frederick, Md. 21701
301/473-8186

Dear Mr. Cunningham,

Because of the multiplicity of issues raised by Judge Sirica's decision yesterday, I am at a loss to know to whom best to send the enclosed and indicate that there is more that I have that I believe is relevant.

In the latter category I have in mind such things as Attorney General Mitchell's speech to the American Bar Association meeting in London, England on 7/16/7. I had to sue just I could sue for it to get the full text, which I finally got from Deputy Attorney General Erickson under date of September 18, 1972. In this speech, Mitchell held that speedy trial is the right of the government and that delay in civil suits "has long been notorious", to which he added "but now the infection has spread to criminal cases".

In my Civil Action 2301-70 I sued Justice for a simple scientific test known as a spectrographic analysis. In response the government filed an affidavit that Sirica, who sat on it, should not have accepted because it was incompetent, irrelevant and immaterial. I think a case can be made that it was also perjurious. In any event, the government invoked the exemption covering law-enforcement files. The Freedom of Information Act has such an exemption.

My lawyer said that if this exemption is to be claimed, there has to be a law that is being enforced. He asked the federal attorney for citation of the law allegedly being enforced. Obviously, there was none and there could have been none.

In response, as the enclosed copies of the two relevant pages of the transcript, all the assistant United States Attorney said is that "there must be some law enforcement purpose to be served", followed by the admission that there was no statute, plus the invocation of what he called "natural or human" law!

I type this in haste to get it into today's outgoing mail. Thus I didn't take time to take the bound transcript apart, as I will do if anyone want a clearer copy. However, I think it is clear enough that the government admitted there was no law that could have been enforced. Nonetheless, on the basis, there has to be a law, "natural or human", Sirica dismissed the case. It is and has for a long time been before the Court of Appeals.

Sirica is a known government hack. This is a pretty raw decision in which he served as no more than an adjunct of the Department of Justice in its violation of the law that is spirit at least is very much involved in the current stinks, freedom of information. The first case of which I know in which the same claim to exemption was made by the government is that of Congressman Lee Appin for the Peers report. Judge John H. Pratt went farthur that I believe was necessary in his decision, and I believe to rectify the error by Sirica. Instead of just holding that the Army was right to invoke the exemption, ~~xxxxxxx~~ from the Post story of 8/24/72 (I do not have the text of this decision), he went out of his way to define the meaning of the exemption, "whether the files sought to relate to anything that can fairly be characterized as an enforcement proceeding."

In the hearing before the Court of Appeals, the federal attorney, under questioning by I think Judge Danaher admitted that now Attorney General Kleindienst lied in papers filed in that case as in an earlier one (in which Kleindienst's personal arrogance got me an entirely unnecessary summary judgement against the government). Such is the state of the Nixonian administration of "justice" and "Justice".

Should anyone of whom you know be interested in testing Sirica's dictum, there are interesting and unpublished items in Mr. Hunt's past, some crossing mine and all, I think, relevant and not compromising his rights, that I would be happy to make available. This includes an unanswered request for specific public information I addressed to the White House under this law. (You may recall that Don Ziegler chided the Times and the Post for not using this law his government hacks and makes a futility.) Under the standards of the Administrative Conference, which are not binding, this could be moved to court immediately, with more than applicability of 5 U.S.C.552 claimed. Excuse the haste. Best regards,

Harold Weisberg